

## **ADMINISTRATIVE PANEL DECISION**

Sanofi v. Ilgam Nurtdinov  
Case No. D2022-0508

### **1. The Parties**

Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

Respondent is Ilgam Nurtdinov, Russian Federation.

### **2. The Domain Name and Registrar**

The disputed domain name <plaquenils.com> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2022. On February 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on February 15, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 16, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 18, 2022.

The Center appointed Marina Perraki as the sole panelist in this matter on March 24, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

Complainant is a French multinational pharmaceutical company, with presence in over 100 countries. With research and development investment of EUR 5.9 billion in 2018, and consolidated net sales of EUR 36.04 billion in 2020, EUR 34.46 in 2018, EUR 35.05 billion in 2017, EUR 33.82 billion in 2016, EUR 34.06 billion in 2015, and EUR 31.38 billion in 2014, Complainant is one of the world's largest multinational pharmaceutical companies by prescription sales.

Plaquenil is a medicinal product with hydroxychloroquine which has very recently been approved by the European authorities to treat patients with Covid-19 disease.

Complainant is the owner of PLAQUENIL trademark registrations worldwide including, *inter alia*:

- the French trademark registration no. 1480756 PLAQUENIL (word), filed and registered on May 27, 1988, for goods in international class 5;
- the European Union trademark registration no. 000041962 for PLAQUENIL (word), filed on April 1, 1996 and registered on November 27, 1998 for goods in international class 5; and
- the Chinese trademark registration no. 3973694 for PLAQUENIL (word), filed on March 23, 2004 and registered on September 21, 2006, for goods in international class 5.

Complainant is also the owner of domain name registrations incorporating its PLAQUENIL mark, including <plaquenil.com>, registered on October 28, 1998, and <plaquenil.org>, registered on March 19, 2020.

The Domain Name was registered on December 10, 2021 and resolves to a website displaying "Buy Medications From the Best Drug Store", and when clicking on the "Buy Safe" button on the website, users are redirected to a third party website, which offers for sale the purported Plaquenil products as well as other pharmaceutical products at a discounted price.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant

has rights; and

(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

Complainant has demonstrated rights through registration and use in the PLAQUENIL mark.

The Panel finds that the Domain Name, that incorporates Complainant's PLAQUENIL mark in its entirety plus the additional letter "s" which denotes the plural form, is confusingly similar to the PLAQUENIL trademark of Complainant. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

Complainant has established Policy, paragraph 4(a)(i).

#### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

(i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complaint, Respondent was not authorized to register the Domain Name and Respondent has not been commonly known by the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name resolves to the website displaying "Buy Medications From the Best Drug Store", and when clicking on the "Buy Safe" button on the website, users are redirected to a third party website, which offers for sale the purported Plaquenil products as well as other pharmaceutical products at a discounted price. Per Complainant, the website presumably sells fake Plaquenil products.

The Panel finds that these circumstances do not confer upon the Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or

(ii) Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other on line location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. Because the PLAQUENIL mark was registered prior to the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). The Panel further notes that the Complainant’s domain name <plaquenil.com> was also registered before the Domain Name registration, and the only difference between the Domain Name and the Complainant’s domain name is the additional “s” in the Domain Name.

Respondent could have conducted a trademark search and would have found Complainant’s prior registrations in respect of PLAQUENIL (*Citrix Online LLC v. Ramalinga Reddy Sanikommu Venkata*, WIPO Case No. [D2012-1338](#)).

As regards use, the Domain Name resolves to the website displaying “Buy Medications From the Best Drug Store”, and when clicking on the “Buy Safe” button on the website, users are redirected to a third party website, which offers for sale the purported Plaquenil products as well as other pharmaceutical products at a discounted price. Per Complainant, the website presumably sells fake Plaquenil products. The Domain Name operated therefore by intentionally creating a likelihood of confusion with Complainant’s trademark and business as to the source, sponsorship, affiliation or endorsement of the website it resolves to. This supports the finding of bad faith use (*Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#) and [WIPO Overview 3.0](#), section 3.1.4).

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the Domain Name in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <plaquenils.com> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: April 7, 2022